

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT

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COMMONWEALTH OF MASSACHUSETTS,

v.

KAREN READ.

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* Docket No. 2282CR00117

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BEFORE THE HONORABLE BEVERLY CANNONE
WEDNESDAY, MAY 22, 2024
TESTIMONY OF JENNIFER MCCABE

APPEARANCES:

For the Commonwealth:

BY: ADAM LALLY, A.D.A.
LAURA MCLAUGHLIN, A.D.A.

For the defendant:

BY: DAVID YANNETTI, ESQ.
ALAN JACKSON, ESQ.
ELIZABETH LITTLE, ESQ.

Dedham, Massachusetts
Room 25

Christine D. Blankenship, CVR
Court Reporter/Transcriber

I N D E X

WITNESS:	DIRECT	CROSS	REDIRECT	RECROSS
Jennifer McCabe				82
(By Mr. Jackson)		7		
(By Mr. Lally)			46	

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1 (Court in session.)

2 (Defendant is present with counsel.)

3 THE CLERK: Judge, would you like the jury?

4 THE COURT: Well, I understand counsel wants to see me,
5 but can it wait? Can we get started with the testimony?

6 It's already --

7 MR. YANNETTI: We can with regard to three of the four
8 issues, but with regard to one of them, it applies to this
9 witness's testimony.

10 THE COURT: All right. So I'll hear from Mr. Jackson
11 about that since it's his witness.

12 MR. YANNETTI: That's fine.

13 THE COURT: Why don't we come over here and do it while
14 we bring the jurors in, okay?

15 (Sidebar commences:

16 THE COURT: I really just like to get moving if we can.
17 So there's one issue, it will be fine.

18 MR. JACKSON: Super brief. The Court has some
19 impounded phone records that we've never been provided.

20 THE COURT: Okay.

21 MR. JACKSON: I just want to go through about 12 or 13
22 calls that are only in those phone records.

23 THE CLERK: They're right there.

24 MR. JACKSON: That's it. So if you could just make
25 those available to me and unimpound them for purposes of --

1 MR. YANNETTI: They're unimpounded with regard to the
2 attorneys, anyway. We'd like to make copies of those so
3 that they'd potentially be highlighted or used.

4 MR. JACKSON: There's about, well, maybe a dozen calls
5 in here that she's not going to know unless she is
6 presented with (indiscernible) so I just want permission to
7 use these with her.

8 THE COURT: You can use these.

9 MR. JACKSON: Okay. But it looks like -- so let's mark
10 these, please.

11 (Whereupon Exhibit OO, Phone Records, was marked for
12 identification.)

13 THE COURT: All right. So you can use this original,
14 but before -- if you put it in evidence, do you intend to
15 put something in evidence --

16 MR. JACKSON: No.

17 THE COURT: I was going to say, it looks like there's a
18 lot of redactions that need to be made.

19 MR. JACKSON: Some were to refresh her recollection or
20 see if she adopts them.

21 THE COURT: Okay. Is there any objection? Only Mr.
22 Jackson.

23 MR. YANNETTI: I'm sorry.

24 MR. LALLY: No.

25 THE COURT: Okay.

1 MR. JACKSON: It would be a lot easier if I had
2 permission to highlight. If you want me to ask Ms. Little
3 to make a copy real quick? We've got a copy machine right
4 there.

5 THE COURT: Yeah, so we can't highlight.

6 MR. JACKSON: Okay. Then while I start with the
7 witness, she can just -- if she has permission to leave
8 counsel table and just make a quick copy.

9 THE COURT: Sure. And then when you finish with this -
10 - so I noticed yesterday I think you asked for one of the
11 exhibits before it was raised. I don't have a problem with
12 that, but the exhibits are to stay with the clerk.

13 MR. JACKSON: Understood.

14 THE COURT: So for this for what has been marked OO for
15 identification, you can make a copy, Ms. Little, and you'll
16 need both, correct, the unredacted or are you just --

17 MR. JACKSON: No, I just need the copy.

18 THE COURT: Okay. So then if you could give it back --

19 MS. LITTLE: Sure.

20 THE COURT: -- to Mr. Clerk.

21 MS. LITTLE: No problem.

22 MR. JACKSON: I'm ready.

23 end of sidebar.)

24 THE CLERK: 22-117, the Commonwealth versus Karen Read.
25 Can I have counsel identify themselves for the record.

1 MR. LALLY: Adam Lally for the Commonwealth. Good
2 morning, Your Honor.

3 THE COURT: Good morning, Mr. Lally.

4 MS. MCLAUGHLIN: Good morning, Your Honor. Laura
5 McLaughlin for the Commonwealth.

6 THE COURT: Good morning, Ms. McLaughlin.

7 MR. JACKSON: Good morning, Your Honor. Alan Jackson on
8 behalf of Ms. Read.

9 THE COURT: Good morning, Mr. Jackson.

10 MS. LITTLE: Good morning, Your Honor. Elizabeth Little
11 also on behalf of Ms. Read.

12 THE COURT: Good morning, Ms. Little.

13 MR. YANNETTI: And good morning, Your Honor. David
14 Yannetti for Karen Read.

15 THE COURT: Good morning, Mr. Yannetti. Good morning,
16 Ms. Read. Good morning, jurors.

17 The county was kind enough to come in last night and
18 make sure that the air conditioning was working. They were
19 here late. They did a really terrific job so I think
20 everybody should be comfortable today.

21 I do have to ask you those same three questions. Were
22 you all able to follow the instructions and refrain from
23 discussing this case with anyone since we left yesterday?

24 Everyone said yes or nodded affirmatively.

1 Were you also able to refrain from doing any
2 independent research or investigation into this case?

3 Everyone said yes or nodded affirmatively.

4 Did anyone happen to see, hear, or read anything about
5 this case since we left yesterday?

6 Everyone said no or shook their heads.

7 All right. May we have Ms. Read -- Ms. -- sorry -- Ms.
8 McCabe, please?

9 JENNIFER MCCABE, sworn

10 THE COURT: All right, Mr. Jackson, whenever
11 you are ready.

12 MR. JACKSON: Thank you, your Honor.

13 CROSS-EXAMINATION

14 BY MR. JACKSON (continued):

15 Q Ms. McCabe, as a matter of housekeeping I wanted to
16 show you a quick set of documents that I think you saw
17 yesterday that I just wanted to make sure that we're
18 talking about the same thing. With the Court's permission
19 may I approach?

20 THE COURT: Sure.

21 Q Can you just take a look at that and tell me if that
22 appears to be the same set of documents that we talked
23 about yesterday that included the group chats, for lack of
24 a better term?

25 A Yes.

1 MR. JACKSON: May I approach, your Honor?

2 THE COURT: Yes.

3 Q (By Mr. Jackson) I don't mean to rush you.

4 A That's okay.

5 MR. JACKSON: Your Honor, with the Court's
6 permission I ask that this set of group chats that has been
7 authenticated be marked and moved into evidence?

8 THE COURT: Is there any objection?

9 MR. LALLY: No, your Honor.

10 MR. JACKSON: May I approach?

11 THE COURT: Yes.

12 THE COURT REPORTER: Exhibit 98, for the
13 record.

14 (Document containing printout of chat group, Marked,
15 Exhibit 98.)

16 THE COURT: Does it cover more than what you
17 covered yesterday?

18 MR. JACKSON: This is the exact same document.
19 I just failed to do it yesterday. My fault.

20 THE COURT: All right. So is there still
21 more? I'm just curious if my form is different than.

22 MR. JACKSON: Yours should be the exact same.

23 THE COURT: Why don't I take a look at the
24 exhibit, please. Why don't you come to sidebar, please.

25 (Sidebar commences:

1 MR. LALLY: My apologies, Your Honor. I should say no
2 objection other than the repeated objections that we made
3 as far as --

4 THE COURT: Yeah, so you're not waiving any objections
5 that you made. So there were some that you didn't cover
6 yesterday, and I'm just wondering if there's an objection
7 from the Commonwealth. I checked off the ones that you
8 specifically went over with her. Are there others that you
9 didn't like that were beyond -- I put them in groups. So
10 not all of them were covered, but if there's not -- that's
11 why I was wondering if you're putting in the whole document
12 even though you don't cover them.

13 MR. JACKSON: I am because she indicated that all of it
14 was correct, although I didn't highlight certain of them
15 because they're, quite frankly, sort of irrelevant.

16 THE COURT: Okay.

17 MR. JACKSON: But I haven't (indiscernible) jurors seen
18 all of it because it's all part of the same --

19 THE COURT: So that's why I just wanted to make sure
20 we're all on the same page because there were several that
21 were violated. You were on the same page with if it's
22 coming in, all of these come in?

23 MR. LALLY: Sure.

24 THE COURT: So I'll quickly just remind them of the
25 digital evidence instruction.

1 MR. JACKSON: Thank you.

2 MR. LALLY: Thank you.

3 end of sidebar.)

4 THE COURT: All right, so that will come into evidence,
5 and, jurors, sometimes I do have to repeat myself a bit but
6 again before you can consider any electronic communication
7 in your deliberations you must first find that it's more
8 likely true than not that the person who authored or sent
9 these messages was, in fact, the person identified as doing
10 so.

11 If you do not find that it's more likely true
12 than not that the person who was identified as doing so was
13 the person who authored or sent or transmitted the
14 electronic communication you may not consider that
15 electronic communication in your deliberations. All right,
16 Mr. Jackson, go right ahead.

17 MR. JACKSON: Thank you, your Honor.

18 Q (By Mr. Jackson) Ms. McCabe, you recall yesterday we
19 talked about the twelve times in your grand jury transcript
20 that you talked about statements that you attributed to my
21 client, do you remember that conversation?

22 A Yes.

23 Q And in those dozen times you never used the word or the
24 words or the phrase, "I hit him" correct?

25 A Correct.

1 Q And your explanation for that was, Well, I wasn't asked
2 that specific question, correct?

3 A Correct.

4 Q You were, in fact, on January 29th, let me rephrase
5 that just a little bit. You did, in fact, on January 29th,
6 seek to ask an officer to come back to 34 Fairview for the
7 specific purpose of telling that officer something that you
8 thought was important, correct?

9 A Correct.

10 Q Which officer was that?

11 A Michael Lank.

12 Q About what time did you ask Officer Lank to join you
13 back at 34 Fairview?

14 A I'm not sure. I know it was in the a.m. I'm just not
15 sure what time exactly.

16 Q Somewhere around 9:00 a.m., does that sound about
17 right?

18 A Possibly.

19 Q Literally, we're talking about just a couple of hours
20 after the incident in question?

21 A Correct.

22 Q Sergeant Lank came with Sergeant Gallaher, I believe,
23 correct?

24 A Correct.

1 Q Came back to the location at 34 Fairview and gave you
2 an opportunity to provide whatever information you deemed
3 relevant at that time to impart to him, correct?

4 A Correct.

5 Q And isn't it true that at that time you didn't tell
6 Sergeant Lank that my client said, I hit him, what you said
7 was that my client said I hope I didn't hit him, correct?

8 A No.

9 MS. JACKSON: May I approach, your Honor?

10 THE COURT: Yes.

11 Q (By Mr. Jackson) Could you take a look at that report,
12 just the face page and tell me if that appears to be an
13 incident report associated with this case? I know you
14 didn't draft it but you recognize the incident report from
15 the police, Canton Police, specifically?

16 A Yes.

17 Q Could you turn to the tab, the light blue tab maybe
18 three pages from the end of that report?

19 A Yes.

20 Q I'd like you to read that paragraph to yourself if you
21 wouldn't mind, please. Do you have that in mind?

22 A I do, yes.

23 MR. JACKSON: May I approach, your Honor?

24 THE COURT: Yes.

25 MR. JACKSON: Thank you.

1 Q What you read just now appears to be a report of the
2 incident in which Sergeant Lank came back to 34 Fairview to
3 give you an opportunity to tell him whatever it was that
4 you thought was important, correct?

5 A Was that a full report or is that just an excerpt from
6 it, that paragraph?

7 Q Well, that right there is a full report of that
8 incident of Sergeant Lank going back to 34 Fairview, would
9 you agree?

10 A Well, that's not a full report of what I said but if
11 that's his full report it's his full report.

12 Q Okay, and in this report --

13 A Uh-huh.

14 Q -- what he writes that you said to him --

15 MR. LALLY: Objection.

16 THE COURT: The objection is sustained.

17 Q (By Mr. Jackson) Isn't it true that what you actually
18 told Sergeant Lank when he returned is that while driving
19 around with her and Ms. Roberts looking for the victim Ms.
20 Read said something to the effect of Quote: "I hope I
21 didn't hit him" end quote. Isn't that what you told them?

22 A Yes, because she said that when we were driving around.

23 Q And then you went on to say --

24 A Uh-huh.

1 Q -- that Quote, "She" Karen Read, "made these statements
2 again at the scene when the victim was discovered,"
3 correct?

4 A Correct.

5 Q And then you went on to say, "She" Karen Read, I'm
6 sorry, that you thought that Read may have made these same
7 statements in front of a police officer but she was not
8 sure, meaning you were not sure, correct?

9 A I was not sure if she said what the police officers may
10 have heard. That report is his recollection. My
11 recollection is I told him that she said, "I hit him, I hit
12 him, I hit him" and I told him that he should ask
13 responders if they heard that because it was a great
14 possibility that they heard it, as well.

15 Q But none of that, you'll agree, you just read the
16 report, none of that is in his report?

17 A That's a very brief report.

18 Q I didn't ask you if it was brief, I asked you if it was
19 in it, correct?

20 A Correct.

21 Q And that's a report of a conversation that he had at 34
22 Fairview with you for the specific purpose of memorializing
23 what you told him, correct?

24 A Correct.

1 Q And what you told him according to Sergeant Lank is she
2 said one phrase, "I hope I didn't hit him" correct?

3 A That's what's in the report.

4 Q All right. And again, this was two-and-a-half, three
5 hours after the incident, not two-and-a-half years later,
6 correct?

7 A Correct.

8 Q Ms. McCabe, we talked yesterday about this unrecorded
9 meeting that you had in front of Sergeant Lank's home on
10 January 30th, do you remember that conversation?

11 A I remember the conversation, yes.

12 Q Have you had any other home visits with any other
13 police officers involved in this case?

14 A I went to drop off. It was not a visit. It was myself
15 with Kerry Roberts dropping her daughter off. There was no
16 involvement of Mike Lank on this day.

17 Q Have you been to the home, the personal residence of
18 any other police officer involved in this case, ever?

19 A Yes.

20 Q Tell me who?

21 A Kevin Albert.

22 Q Who else?

23 A I went to Elizabeth Proctor, the wife of Michael
24 Proctor's house.

25 Q Who does Elizabeth Proctor live with?

1 A Michael Proctor.

2 Q So you actually went to Michael Proctor's personal
3 residence, didn't you?

4 A I did, yes.

5 Q That was in September of what year?

6 A '23 I went over.

7 Q September of 2023?

8 A Yes.

9 Q Why did you go to Michael Proctor's house in September
10 of 2023?

11 A I met Elizabeth Proctor in approximately July or August
12 of 2023. We are two mothers that are being viciously
13 terrorized and harassed by social media.

14 Things that were stated in this courtroom and
15 allegations that were made have torn our lives upside-down.
16 We receive hate letters, letters saying that they hope
17 things --

18 Q I'm asking you why, I know you want to give a
19 narrative.

20 A Yes.

21 THE COURT: She gets to answer this. The door
22 is wide open.

23 MR. JACKSON: Your Honor, if she could answer
24 the question why she went to the house as opposed to the
25 narrative behind her motivation.

1 THE COURT: It sounds to me like she's
2 explaining why she went to the house. The door was opened,
3 Mr. Jackson.

4 Q (By Mr. Jackson) Go ahead.

5 A We receive letters. We receive emails. We receive
6 calls, people drive by our house. There was a rolling
7 rally outside of my house where people just screamed at us.
8 They take pictures of our children. They took
9 a picture of my daughter and put semen on it and said,
10 property of some named blogger that I think the defense is
11 very familiar with.

12 So that is why myself and Elizabeth Proctor
13 and I got together. Michael Proctor was not home. We are
14 two mothers trying to get through the unthinkable together.

15 Q So you were upset about the public outrage concerning
16 your family's involvement in the death of John O'Keefe?

17 A I was outraged because I am a state witness that is
18 being tortured because of lies.

19 Q Because of public outrage concerning your family's
20 involvement in the death of a police officer, correct?

21 A No, it's a social media witch hunt.

22 Q I see. So you decided that the best way for you to
23 address that angst that you were feeling is to go to the
24 lead investigator's home, personal home in this case,
25 correct?

1 A I went to visit Elizabeth Proctor. Michael Proctor was
2 not home.

3 Q So just like when you went to Sergeant Lank's house and
4 the only person you met with was his wife when you went to
5 Michael Proctor's house your claim is the only person you
6 met with was his wife?

7 A I personally did not go to Mike Lank's. It was not Jen
8 going to Michael Lank's. It was Kerry Roberts dropping her
9 daughter off and I happened to be in the car with her.
10 Elizabeth Proctor I met with because we couldn't take the
11 torture any longer.

12 Q And you were later asked about this unrecorded visit at
13 Trooper Proctor's home by Massachusetts State Police,
14 correct?

15 A Can you remind me?

16 Q Sure. Did you have a conversation with a trooper by
17 the name of Tully who interviewed you specifically about
18 your contact with Michael Proctor?

19 A Could I see the report to refresh my memory?

20 Q Do you not remember having a conversation with Trooper
21 Tully?

22 A I've had many conversations over the last two years.

23 Q With Trooper Tully?

24 A Over the last two years with a number of troopers.

1 Q Okay, all I'm asking you is, and I've got a report to
2 refresh your recollection. I want to know, first of all,
3 do you remember having a conversation about your
4 relationship with Michael and Elizabeth Proctor with
5 Trooper Tully?

6 A I know I had a conversation with a trooper about it. I
7 don't remember exactly which trooper.

8 MR. JACKSON: Fair enough. May I approach?

9 THE COURT: Yes.

10 Q (By Mr. Jackson) Take a look at the face page of that.
11 Read it to yourself and then I'd ask you to turn to the
12 tab, page, which is paragraph 27.

13 A Okay.

14 Q Do you have that in mind?

15 A Yes.

16 MR. JACKSON: May I approach, your Honor?

17 THE COURT: Yes.

18 Q (By Mr. Jackson) Does that refresh your recollection,
19 Ms. McCabe, that you had a conversation or interview, a
20 formal interview with Trooper Tully about your relationship
21 with Elizabeth and Michael Proctor?

22 A Yes.

23 Q And you told, actually, let me back up for a second.
24 Was that somewhere in the vicinity of late September, early
25 October when you had that conversation?

1 A Is there a date on it?

2 MR. JACKSON: May I approach your Honor?

3 THE COURT: Yes.

4 Q (By Mr. Jackson) There's a date stamp on the bottom.
5 Take a look at that date stamp on the bottom and tell me if
6 that refreshes your recollection of about the time that
7 that conversation would have taken place?

8 A Well, the date stamp on the bottom is when it was, I'm
9 assuming, entered into evidence.

10 Q Right.

11 A But that doesn't say when the interview itself was.

12 Q Right, if you'll agree with me you know that you had
13 the meeting with Elizabeth, I'm sorry, at Elizabeth and
14 Michael Proctor's home sometime in September 2023, correct?

15 A Correct.

16 Q If that's dated October of 2023, that's what I'm trying
17 to get to. I don't know the date because it's not dated.

18 A So I don't either.

19 Q So do you think that it was between September and
20 October?

21 A It must have been.

22 Q Had to have been, right?

23 A Correct.

24 Q Okay, thank you. Before I get to that I've got a
25 couple of other questions. You had at some point multiple

1 phone calls with Michael Proctor after January 29th, 2022,
2 correct?

3 A I believe so.

4 Q Okay. Do you remember all the phone calls that you had
5 with him?

6 A No, I don't.

7 Q Would it refresh your recollection to take a look at a
8 log of your phone calls?

9 A Yes, that'd be great, thank you.

10 MR. JACKSON: May I approach?

11 THE COURT: Yes. Is this what was marked
12 zero-zero earlier this morning?

13 MR. JACKSON: It's not. That will be next.

14 THE COURT: Okay.

15 THE WITNESS: Thank you.

16 Q (By Mr. Jackson) Take a look at that and tell me if
17 you, specifically there's a log call there. There are blue
18 tabs. Take a look at those blue tabs and then tell me when
19 you've taken a look at those.

20 A Okay.

21 MR. JACKSON: May I have just a moment, your
22 Honor?

23 THE COURT: Yes.

24 MR. JACKSON: May I approach?

25 THE COURT: Yes.

1 Q (By Mr. Jackson) Thank you.

2 A You're welcome.

3 Q Having looked at this set of records does this appear
4 to be an accurate reflection of the phone calls that you
5 shared with Michael Proctor at some point after, on and
6 after January 29?

7 A Yes.

8 Q Just to summarize those and I don't want to belabor
9 this but there was a call on the 29th at 10:55 a.m. with
10 Trooper Proctor, correct?

11 A Correct.

12 Q There was a call on the 29th at 12:49 p.m., correct?

13 A I didn't memorize them.

14 Q I understand.

15 A If you could give me the paper back then I could
16 probably answer correctly.

17 Q Sure, if you want to do it that way you certain can.
18 May I?

19 THE COURT: Yes.

20 THE WITNESS: Thank you.

21 A Thank you.

22 Q Okay, first call, January 29th, 10:55 a.m. Trooper
23 Proctor calls you for a minute and seventeen seconds?

24 A Correct.

1 Q Next tab: January 29th, 12:49 p.m. Trooper Proctor
2 calls you for a minute and 8 seconds?

3 A Correct.

4 Q January 30th at 9:51 a.m. you called Trooper Proctor, a
5 four second call, probably a voice mail or something?

6 A Correct.

7 Q January 30th, a minute later, 9:52 a.m. you then call
8 Trooper Proctor again, 21 minutes and 31 seconds for that
9 call?

10 A Correct.

11 Q January 30th, the same day, 4:45 p.m. Trooper Proctor
12 calls you for 9 minutes and 43 seconds?

13 A Correct.

14 Q January 31st, the next day at 11:51 a.m. you called
15 Trooper Proctor for 2 minutes and 53 seconds?

16 A Correct.

17 Q And that is the sum of those calls, correct?

18 A Yes.

19 MR. JACKSON: May I approach?

20 THE COURT: Yes.

21 Q (By Mr. Jackson) Those aren't all the calls that you
22 had with Trooper Proctor, that didn't stop, it's just where
23 these logs stop, correct?

24 A I'd have to see my further call logs.

1 Q Do you believe that you had additional phone calls with
2 Trooper Proctor after that last call on the 31st?

3 A I know I did in 2023.

4 Q In 2022 did you have additional phone calls with him?

5 A I'm not sure.

6 Q Okay.

7 A I'd have to look at call records.

8 MR. JACKSON: May I have a moment, your Honor?

9 THE COURT: You may.

10 MR. JACKSON: May we approach briefly?

11 THE COURT: All right. Jurors, feel free to
12 stretch up and stretch while we do this.

13 (Sidebar commences:

14 MR. JACKSON: I did not realize this, but these calls
15 end on February 1, there should be additional call records
16 which I'm not going to worry about. It's too laborious.

17 THE COURT: Okay.

18 MR. JACKSON: That go through all of February, all of
19 March. I'm just going to ask her about those, if she
20 doesn't remember them, she doesn't remember them. But
21 these are -- I didn't realize these are not the full
22 panoply of calls. The Court probably has them, but these
23 aren't it. So that's okay.

24 MR. LALLY: That's what the Court has.

25 MR. JACKSON: There's nothing else.

1 MR. LALLY: As far as my recollection, that's what I
2 received.

3 MS. MCLAUGHLIN: We have notes that we took from the
4 ones that were in the Court's possession that go months
5 after this.

6 MR. JACKSON: So we have one of our associates come and
7 look at the court file. He couldn't take them. But he
8 actually scribed notes that go all the way through March.
9 So I know they've been in the court file.

10 Your Honor, I honestly don't want to --

11 THE COURT: I'll ask Jim to go see if he can go find
12 them.

13 MR. JACKSON: I mean, I would love that, but I don't
14 want to bog this cross down any further. It is important.

15 THE COURT: Jim.

16 THE CLERK: Yes.

17 THE COURT: It appears that there may be additional
18 impounded records. Could you call down and see if there
19 are or go down and see if there are?

20 THE CLERK: There's about 700 impounded stuff --

21 THE COURT: No, that came in with this.

22 THE CLERK: All right. That's the only thing that came
23 in. That.

24 THE COURT: Oh.

1 MR. LALLY: It would have been that same batch. They
2 all came in that one. It should have been in one on both.

3 MR. JACKSON: It appears they've been misplaced then.
4 Your Honor, with the Court's permission, I'll just go
5 ahead, and like I said, I don't want to bog down the cross.
6 I'll go ahead and forge ahead.

7 THE COURT: Okay. So do whatever you want to do, but
8 Mr. McDermott is leaving the courtroom now to go look.

9 MR. JACKSON: Okay.

10 THE COURT: All right. So I'll give you back this.
11 end of sidebar.)

12 MR. JACKSON: May I inquire?

13 THE COURT: Yes.

14 MR. JACKSON: Thank you.

15 Q (By Mr. Jackson) Ms. McCabe, I don't have the records
16 in front of me, they'll be found before the end of our
17 conversation but in the meantime for expedition do you
18 remember a call on February 14th with Trooper Proctor
19 lasting about seventeen minutes?

20 A I don't, no.

21 Q Do you remember a call on February 17th lasting about
22 two minutes?

23 A I don't, no.

24 Q Do you remember a call on February 28th lasting about 2
25 minutes?

1 A I don't recall, again it's hard.

2 Q I expect that your answer is going to be I don't
3 recall, but I want to make a record if I could. This is
4 not a test of your memory at this point.

5 I don't expect you to have it memorized. I just
6 want to ask if maybe one of these stands out in your mind
7 or all of them. What about a second call on February 28th
8 lasting about a minute?

9 A I don't recall.

10 Q On March 1st another call with Trooper Proctor lasting
11 about a minute?

12 A I do not recall.

13 Q Apparently a second call on March 1st lasting about two
14 minutes and a few seconds?

15 A I don't recall.

16 Q On March 11th another call in the afternoon lasting
17 about twelve minutes?

18 A I don't recall.

19 Q And finally a call towards the end of March, March 29th
20 lasting about four minutes?

21 A Again, I don't recall.

22 Q Okay, understood that this is not a memory test and I
23 don't have the records in front of me so I apologize about
24 that. Based on the conversation that we've just had does
25 that jog your memory that you had multiple calls in

1 February and March with Trooper Proctor as well as the
2 calls we've gone over with the records in January?

3 A To be honest I had calls with many people. I was in a
4 state of shock for months following this so if you have the
5 record I can answer off of that but besides just reading
6 them to me does not jog my memory, I'm sorry.

7 Q That's okay. You wouldn't quarrel with the idea, I
8 don't want to hold you to a number, you wouldn't quarrel
9 with the idea that you had multiple calls with Trooper
10 Proctor in January, in February, in March, correct?

11 A Well, the ones I just saw in the record, yes. There
12 were multiple calls there.

13 Q And of course you met him in your home on January 29th?

14 A Yes, I did.

15 Q And he came into your living room, you had a
16 conversation with him?

17 A In my dining room, yes.

18 Q I'm sorry, your dining room?

19 A Uh-huh.

20 Q And also Kerry Roberts was there?

21 A Kerry Roberts was not there.

22 Q On the 29th?

23 A Kerry Roberts was not at my house on the 29th, no.

24 Q When was she at your house when she was interviewed?

25 A I believe that was the Tuesday, whatever the date was.

1 Q Maybe the 1st, does that sound right? The 1st or 2nd?

2 A Yes, something, it was the Tuesday following.

3 Q Was that with Trooper Proctor or a different trooper?

4 A A different trooper.

5 Q With Trooper Proctor on the 29th when he was
6 interviewing you in your dining room that was the day that
7 Brian Albert was also there?

8 A Correct.

9 Q Was Brian Albert also interviewed on that day?

10 A I believe so.

11 Q So Trooper Proctor was in your house for gosh, it had
12 to have been an hour?

13 A I'm not sure. After I interviewed I went upstairs and
14 then my children started waking up and I was tied up
15 upstairs for a while. I'm not sure how long or when he was
16 there.

17 Q But your memory is clear that not only did you meet
18 Trooper Proctor on that day you had a full conversation
19 with him. It was in your house. That was in your dining
20 room and another witness was interviewed by Trooper Proctor
21 in your home, as well?

22 A Correct.

23 Q And then you had multiple conversations with him in
24 January on that day, the day after, and the day after that?
25 You've already seen those records, correct?

1 A Yes, correct.

2 Q Then in either September or October you were
3 interviewed by Lieutenant Tully, that's the report that
4 you've already seen?

5 A Correct.

6 Q And in that interview you were asked specifically
7 whether or not you had a relationship with Trooper Proctor
8 and when that relationship started, correct?

9 A Correct.

10 Q And you said, Quote: You had never met Elizabeth
11 Proctor or Michael Proctor prior to September 2023,
12 correct?

13 A I did not say that.

14 Q So yet again this is another example of a trooper
15 completely getting it wrong, is that right?

16 MR. LALLY: Objection.

17 THE COURT: Sustained. Ask it differently.

18 Q (By Mr. Jackson) In your view, did Lieutenant Tully
19 get your statement wrong that you had never met Trooper
20 Proctor before September of 2023?

21 MR. LALLY: Objection.

22 THE COURT: Is that true or is that wrong?

23 A Lieutenant Tully knew I met Proctor prior to that
24 because Proctor was the one who did the initial interview
25 on January 29th.

1 Q Does it make you wonder why he wrote in his statement,
2 Quote: You --

3 MR. LALLY: Objection, your Honor.

4 Q -- had never met Elizabeth Proctor or Michael Proctor
5 prior to September 2023?

6 THE COURT: So the objection is sustained.

7 Q (By Mr. Jackson) If you indicated that you had never
8 met Trooper Proctor before September of 2023 that would be
9 a false statement, correct?

10 MR. LALLY: Objection.

11 THE COURT: You can answer that, Ms. McCabe.

12 A I met Proctor January 29th. It's everywhere.

13 Q Would that have been a false statement, if you said it,
14 would it have been false, that's all I'm asking?

15 A Yes.

16 Q Okay. On January 29th in the early morning hours I
17 want to take you all the way back to 1:30-1:45 a.m. when
18 you left 34 Fairview on the 29th after you dropped off the
19 girls where did you and Matt McCabe go?

20 A We came home.

21 Q After you got home you indicated that you went
22 upstairs, correct?

23 A Correct.

24 Q After you went upstairs you indicated that you got on
25 the phone?

1 A Correct.

2 Q On your cell phone, correct? After you got on your
3 cell phone you indicated that you started searching for
4 stuff?

5 A Correct.

6 Q So if there's GPS that you've seen the forensic
7 extraction or part of it, correct?

8 A Which one are you referring to?

9 Q Of your phone, the forensic extraction of your phone?

10 A I saw what you showed me yesterday from Cellebrite?

11 Q That's what I mean.

12 A Okay.

13 Q From Cellebrite and part of it.

14 A I saw it, yes, the phone calls, yes.

15 Q Okay, you're aware that that extraction shows that you
16 got home after 2:00 a.m. or so, so that would be generally
17 correct?

18 A Correct.

19 Q The Cellebrite extraction shows from your Apple Health
20 Data that you actually went up a set of stairs, that would
21 be accurate, correct?

22 A Accurate.

23 Q The Cellebrite data shows that you actually logged into
24 your phone, did a log in, either Face ID or a passcode,
25 opened up the phone, that would be accurate?

1 A Correct.

2 Q The Cellebrite data shows that you were engaging with
3 an app called Safari to engage some Google searches,
4 correct?

5 A Yes.

6 Q That would be generally accurate, as well, correct?

7 A Yes.

8 Q So after you opened up Safari you indicated that you
9 Google searched something about Ozone Basketball, is that
10 right?

11 A Yes.

12 Q That was sometime after 2:00 a.m., right?

13 A Yes.

14 Q What was so important about Ozone Basketball at 2:00
15 a.m. that it couldn't wait until the morning, why did you
16 search it then?

17 A Well, first I was home, I was wide awake and I had been
18 texting about a basketball chat and basketball was clearly
19 on my mind. My daughter had been invited to join a team.
20 I didn't know much about the team so I just was like
21 Googling to see, because the woman who had given my
22 daughter the offer had wanted an answer.

23 Q So you say that basketball was on your mind, correct?

24 A Yes.

1 Q Was there anything else on your mind in that early
2 morning hour timeframe?

3 A I don't believe so.

4 Q Ms. McCabe, if you wanted to know in general how long
5 it takes for a human being to pass away because of exposure
6 to extreme temperatures, right, if you wanted to know the
7 answer to that, what would you Google search, what phrase
8 would you use?

9 A I'm not sure. All I recall is what the defendant asked
10 me to Google in the morning.

11 Q If you wanted to know, I'm asking a different question.

12 A Uh-huh.

13 Q If you personally wanted to know how long does it take
14 for a person to die of exposure due to extreme temperatures
15 what would you put in, what phrase would you use?

16 MR. LALLY: Objection.

17 THE COURT: Sustained.

18 Q (By Mr. Jackson) Well, we don't have to guess at the
19 phrase that you would use if you wanted to know something
20 about dying of hypothermia, do we, because you actually
21 Google searched it?

22 MR. LALLY: Objection.

23 THE COURT: Sustained. Ask that differently,
24 please.

1 Q (By Mr. Jackson) Did you, in fact, use a phrase to
2 Google search how long it takes for someone to die of
3 extreme temperatures?

4 A I did in the morning at the request of your client.

5 Q And what phrase did you use?

6 A I'm not sure.

7 Q Really?

8 A Correct, I was --

9 Q After two-and-a-half years of this you don't know the
10 phrase that you used?

11 MR. LALLY: Objection, your Honor.

12 THE COURT: Sustained.

13 A There's so many lies and misconceptions on social
14 media.

15 Q There's no question. There's no question.

16 A Oh, I apologize.

17 Q Are you telling me you don't remember what Google
18 search you put in?

19 A Karen was screaming. My hands were shaking and she was
20 saying, Google hypothermia, how long does it take to die in
21 the cold.

22 Q And what phrase did you put in your phone, I'm just
23 asking you to say it?

24 A Why don't you show me it?

25 Q You literally don't remember?

1 A Again, she was screaming, Google hypothermia, how long
2 does it take to die in the cold.

3 Q How about --

4 A And I picked up my phone and I started Googling.

5 Q And you literally to this day right now under oath,
6 you're saying you don't remember that phrase that you used?

7 MR. LALLY: Objection.

8 THE COURT: I'll allow it.

9 Q (By Mr. Jackson) Is that what you're saying?

10 A I'm saying that at her --

11 Q Do you remember it or do you not, Ms. McCabe, that's a
12 simple question.

13 A That morning I don't remember specifically what I
14 Googled but I do know what you've put out to the social
15 media.

16 Q How about this, "hos long to die in cold" does that
17 sound familiar?

18 A Yeah, it's been everywhere.

19 Q How does that sound so familiar?

20 A Because you've put it out in social media.

21 Q Well, I haven't put anything out in social media
22 because I don't personally have social media.

23 A I'm sorry, Turtleboy did.

24 Q So if the world happens to know it --

25 A Uh-huh.

1 Q -- that's not on me, is it?

2 A I guess not.

3 Q I guess not. "Hos long to die in cold" is what you put
4 into the Google search, right?

5 A If you say so.

6 Q Is there a reason that you don't want to admit to that?

7 A Absolutely not.

8 Q It's a simple question, right?

9 A No reason.

10 Q So say it, what Google search did you use?

11 MR. LALLY: Objection.

12 THE COURT: Sustained.

13 Q (By Mr. Jackson) You were seeking at some point to
14 Google, "How long to die in the cold" correct?

15 A Correct.

16 Q And you made a mistake and mistakenly typed, "Hos long
17 to die in cold" correct?

18 A If you could show me it I'd appreciate it.

19 Q You later Google searched, may I approach, your Honor?

20 THE COURT: Yes.

21 A Thank you.

22 THE COURT: While she looks at that, Mr.
23 Jackson, can we bring our clerk back upstairs?

24 MR. JACKSON: Of course, yes. I think we're -

25 -

1 THE COURT: Thank you very much. Can you text
2 Jim and tell him?

3 Q (By Mr. Jackson) Take a look at that report and tell
4 me if that refreshes your recollection?

5 A Yes, it does.

6 Q Does that appear to be an accurate page from a
7 Cellebrite extraction from your phone?

8 A It does.

9 MR. JACKSON: Okay, may I have that back? I'm
10 sorry, may I approach?

11 THE COURT: Yes.

12 Q (By Mr. Jackson) May I have that back, Ms. McCabe?

13 A Yes.

14 Q Did you see the actual search phrase?

15 A Yes.

16 Q Does that now refresh your recollection?

17 A Yes.

18 MR. JACKSON: Your Honor, may I approach and
19 have this marked as next in order, exhibit, please.

20 THE COURT: Is there an objection, Mr. Lally?

21 MR. LALLY: No, your Honor.

22

23 (Extraction Report RE: Jennifer McCabe, Marked Exhibit
24 No. 99.)

25

1 MR. JACKSON: May I?

2 THE COURT: Yes. What was that, Madam Court
3 Reporter?

4 THE COURT REPORTER: Exhibit 99, your Honor.

5 THE COURT: Thank you.

6 MR. JACKSON: May I publish this, your Honor?

7 THE COURT: Okay.

8

9 (Exhibit No. 99 was published to the jury)

10

11 Q (By Mr. Jackson) Does this appear to be the document
12 that was just marked as Exhibit 99?

13 A Yes.

14 Q You see this column?

15 A Yes.

16 Q The third column, actually the fourth column from the
17 left -- dates, some data and then a Google search, correct?

18 A Correct.

19 Q What does that Google search say?

20 A "Hos long to die in cold."

21 Q Now, you indicate that you did that, you made that
22 search at 6:23 a.m., correct?

23 A Correct.

24 Q And then you indicated that you did it again thereafter
25 at 6:24, correct?

1 A Correct.

2 Q At 6:24 you misspelled the phrase and you spelled it as
3 follows: How long t-i die in c-i-k-d, correct?

4 A Correct.

5 Q Now you claim that those two searches were at 6:23 and
6 6:24 a.m. respectively, correct?

7 MR. LALLY: Objection.

8 THE COURT: Phrase it differently.

9 MR. JACKSON: Sure.

10 Q (By Mr. Jackson) You've indicated under direct
11 examination that these two searches were at 6:23 and 6:24
12 a.m., right?

13 A I don't know if I gave exact times but I said it was in
14 the morning and Karen had asked me to do it.

15 Q Exactly. You claim you searched it because Karen was
16 screaming at you and yelling at you to Google hypothermia
17 and you Googled how long does it take for a person to, I'm
18 sorry. She said something like, how long does it take for
19 a person to die of hypothermia and you Google searched it
20 at 6:23 and 6:24, is that right?

21 A Again, I'm not sure about the exact times. I just did
22 it after Karen asked me to do it.

23 Q Would you quarrel with the idea that those were about
24 thirty seconds apart?

25 A Okay.

1 Q And you're aware, Ms. McCabe, that both spellings, both
2 misspellings of that phrase result in the exact same search
3 results, don't they?

4 A I'm not aware of that, no.

5 Q Well, you Googled them, ma'am, you looked at them on
6 your phone and you Googled them. Hos long to die in cold
7 and how long to die in c-i-k-d, both of them? You Googled
8 them, right?

9 A I did, yes.

10 Q And they result in the exact same search results, don't
11 they?

12 A I have no idea.

13 Q So my question to you is why the two searches?

14 A She was standing next to me screaming, shaking my hand.
15 My hand was cold. I was trying to Google it. Obviously
16 maybe whatever came up first didn't make sense because I
17 had some misspellings so I did it again.

18 Q So, hos long to die in cold results in articles
19 concerning dying of exposure, doesn't it?

20 A We never got the chance to read it.

21 Q Well, you're the one, when you say we, who is we?

22 A Karen and myself.

23 Q Well, you're the one holding the phone, Ms. McCabe?

24 A Correct.

1 Q So you're looking down on your phone and you see
2 exactly what comes up, correct?

3 A I don't remember exactly what came up.

4 Q Well, what came up was something about dying of
5 hypothermia, didn't it?

6 A That's what she asked.

7 Q So why do it again? Why do it again, Ms. McCabe? You
8 had the result. Why the second search?

9 A I cannot answer that beyond telling you that my hands
10 were frozen. She was shaking me and screaming at me.

11 Q And we see the time, scroll up, again, according to
12 this Cellebrite data, you see this first search, it says,
13 How long to die in cold?

14 A I do.

15 Q What's that time?

16 A You've got the, it's right over it. 2:27.

17 Q A.M. or P.M.?

18 A A.M.

19 Q Ms. McCabe, you made that search at 2:27 a.m. because
20 you knew that John O'Keefe was outside on your sister's
21 lawn dying in the cold, didn't you?

22 A Absolutely not. I did not make that search at that
23 time, no.

1 Q You realized the next morning after John was discovered
2 after 6:00 a.m. that you had an incriminating search on
3 your phone, didn't you?

4 A Absolutely not.

5 Q To cover your tracks you searched it again in order to
6 overwrite your original search at 2:27, correct?

7 A Again, absolutely not.

8 Q But you were nervous and you screwed it up so the first
9 search you made at 6:23 was Hos long to die in c-i-k-d,
10 wasn't it?

11 A No.

12 Q When you see the search right there, correct?

13 A I see the search but I disagree with your narrative.

14 Q What's the timeframe of that search?

15 A 6:23.

16 Q And you agree that that timeframe is accurate, right?

17 A Again, it's what the report says.

18 Q That comports with your memory of that morning, about
19 6:23 in the morning and 51 seconds?

20 A Correct.

21 Q There's a second search, correct?

22 A Correct.

23 Q And this one at 6:24 it says, Hos long to die in cold,
24 6:24:16, correct?

25 A Correct.

1 Q I'm sorry, 18, and that comports with your memory, as
2 well?

3 A I remember Googling it at the request of the defendant,
4 yes.

5 Q About 27 seconds apart, correct?

6 A Yes.

7 Q But the reality is your first search didn't comport
8 with the 2:27 a.m. search, did it, it was a different
9 spelling, wasn't it?

10 A I never searched at 2:27. That is not reality.

11 Q But the 6:24 search did exactly mirror the search that
12 according to this report was placed at 2:27, correct?

13 A I'm sure Cellebrite will be able to explain it to you.
14 I can't.

15 Q And then of those three searches one of them ended up
16 deleted, is that right?

17 A I never deleted any search.

18 Q Take a look at the Cellebrite report, the top search in
19 the column marked "Deleted" what do you see?

20 A I see a "yes."

21 MR. JACKSON: You can take that down.

22 Q (By Mr. Jackson) Ms. McCabe, the reason you deleted
23 that 2:27 a.m. call was because you realized that if you
24 were caught Googling how long it takes a person to die in

1 the cold three-and-a-half hours before John's body was
2 found that would incriminate you, wouldn't it?

3 MR. LALLY: Objection.

4 THE COURT: The objection is sustained.

5 Q (By Mr. Jackson) Did you delete that search because
6 you knew that you would be implicated in John O'Keefe's
7 death if that search was found on your phone?

8 MR. LALLY: Objection.

9 THE COURT: I'll allow it. Could you answer
10 that, please?

11 A I did not delete that search. I never made that search
12 at 2:27. I never would have left John O'Keefe out in the
13 cold to die because he was my friend that I loved.

14 Q But he's not your family, is he?

15 A Family and friends.

16 MR. LALLY: Objection.

17 Q (By Mr. Jackson) He's not your --

18 THE COURT: Sustained.

19 Q (By Mr. Jackson) You acknowledge that you made the
20 search at 6:23, don't you?

21 A In the morning I did, yes.

22 Q You acknowledge that you made the search at 6:24?

23 A Multiple times in the morning, yes.

24 Q Of the three searches that show up that were all found
25 on your phone the one that you disavowed is the one that

1 took place at 2:27 a.m. which would implicate you and
2 exonerate my client, correct?

3 MR. LALLY: Objection.

4 THE COURT: Sustained. Can you ask it
5 differently, Mr. Jackson.

6 Q (By Mr. Jackson) Of those three searches there was
7 only one that was deleted, is that right?

8 A Correct.

9 Q That was the one at 2:27 a.m., correct?

10 A I wouldn't even know how to go in and delete a search.

11 Q That's not what I asked you. The one according to the
12 Cellebrite report that was deleted, is the one at 2:27
13 a.m., correct?

14 A Correct.

15 Q Would you agree that that's awfully convenient for you,
16 isn't it?

17 MR. LALLY: Objection.

18 THE COURT: Sustained.

19 MR. JACKSON: That's all I have, your Honor.

20 THE COURT: Okay, Mr. Lally.

21 MR. LALLY: Thank you, your Honor. May I
22 approach, briefly?

23 THE COURT: Yes. Thank you.

24

25 REDIRECT EXAMINATION

1 BY MR. LALLY:

2

3 Q Good morning, ma'am.

4 A Good morning.

5 Q Going back a little bit you were asked some questions
6 about the Life 360 application that you had on your phone,
7 is that right?

8 A Yes.

9 Q And you're familiar with that app and familiar with
10 sort of using that app to see where your children are
11 during various times, is that correct?

12 A Yes.

13 Q And from your experience of using that app how accurate
14 is it as far as location and a time or anything with regard
15 to it?

16 A Pretty accurate, varying some of their locations and
17 sometimes weather.

18 Q Have you ever had instances in which you were told
19 someone was somewhere and they were not there?

20 A Yes.

21 Q And you were asked some questions about Ryan Nagel's
22 truck, correct?

23 A Yes.

24 Q Do you know or did you on January 29th, 2022, did you
25 know Ryan Nagel?

1 A I did not.

2 Q Did you know what kind of vehicle he drove?

3 A I did not.

4 THE COURT: Keep your voice up, Mr. Lally,
5 please.

6 Q (By Mr. Lally) Do you know whether or not that was
7 actually somebody else's truck?

8 A I do not know.

9 Q Do you know whether or not on January 29, 2022, Ryan
10 Nagel had a friend named Ricky?

11 A I do now.

12 Q But on the 29th did you?

13 A No.

14 Q On the 29th, did you have any idea what kind of vehicle
15 he drove?

16 A No.

17 Q This person you didn't know?

18 A Right; correct.

19 Q And when you looked outside, as far as the truck was
20 concerned did you even see a truck?

21 A I just saw lights, a vehicle. I didn't focus much
22 attention to what was over there.

23 Q So fair to say you weren't paying attention to a truck
24 you didn't see of a person you didn't know that you had
25 never seen before, correct?

1 MR. JACKSON: Objection.

2 THE COURT: Sustained as to that form.

3 Q (By Mr. Lally) Now, you were asked some questions
4 about texts between Brian Nagel and Julie Nagel, correct?

5 A Yes.

6 Q As far as when those texts were sent you don't know, do
7 you?

8 A Can you clarify?

9 Q Sure. Do you know when Ryan Nagel texted his sister,
10 Julie, before you had even pulled onto Fairview Road?

11 A They were texting about his arrival.

12 Q Texting about his arrival but do you know where Ryan
13 Nagel was when he was texting Julie about his arrival?

14 A I believe he was outside.

15 Q But you don't know, is that fair to say?

16 MR. JACKSON: Objection.

17 THE COURT: Sustained.

18 Q (By Mr. Lally) Do you know whether or not Ryan Nagel
19 was on Cedarcrest or somewhere else when he texted Julie
20 that he was about to arrive or that he was there?

21 MR. JACKSON: Objection.

22 THE COURT: No, I'll allow it. Do you know
23 that?

24 THE WITNESS: I don't know that, no.

1 Q (By Mr. Lally) As far as the defendant's motor vehicle
2 and the truck that Mr. Nagel was in did you see either of
3 those vehicles arrive in front of Fairview?

4 A Yes.

5 Q You saw them pull up?

6 A No, actually, are you asking if I saw them pulling up
7 or if I saw them when they arrived? I did not see them
8 pulling up.

9 Q So at some point after they arrived your attention was
10 drawn outside?

11 A Yes.

12 Q When we're talking about you going to the door and
13 looking outside how long a period are you looking out?

14 A Not long.

15 Q Would you describe it as either a glance or more
16 staring intently out the front of the house?

17 MR. JACKSON: Objection.

18 THE COURT: Sustained.

19 Q (By Mr. Lally) How would you describe the manner in
20 which you were looking out at the SUV in front of the
21 house?

22 A I would go to the front door, I look out. I saw the
23 vehicle. I believe I sent a text and I went and sat back
24 down.

1 Q Now, in any of those times that you went to the door do
2 and you know how many times you went to the door?

3 A I don't know exactly.

4 Q At least twice, is that correct?

5 A At least twice, yes.

6 Q Now in those at least twice that you saw the vehicle
7 and once that you saw the vehicle was gone, correct?

8 A Yes, so I guess actually it was more than twice because
9 I saw the vehicle move, as well.

10 Q And when you say as far as you saw the vehicle move,
11 did you see the vehicle physically move or was it much
12 later and then you came back later and it was in a
13 different place?

14 A It was in one place and when I came back it was further
15 up.

16 Q Now at any of those points in time when you glanced out
17 the storm door did you see anybody outside of the vehicle?

18 A No.

19 Q Could you see inside of the vehicle?

20 A No.

21 Q Did you see anybody outside other than Julie Nagel on
22 the front lawn or front walkway or anything else?

23 A No.

24 Q At any point in time while you were at 34 Fairview that
25 night did you see John O'Keefe?

1 A No.

2 Q At any point in time when you texted John O'Keefe after
3 you arrived at Fairview did John O'Keefe respond?

4 A No.

5 Q At any point in time after you arrived at Fairview or
6 after you hung up from the 12:18 a.m. call in which you
7 were describing where 34 Fairview was in reference to
8 (C)'s house did you ever hear from John O'Keefe ever
9 again?

10 A No.

11 Q And during that about twenty minute or so period of
12 time when Mr. O'Keefe or the defendant's SUV is in front of
13 the house you never heard anything from John O'Keefe,
14 correct?

15 A Correct.

16 Q And did that strike you as unusual as far as him not
17 responding?

18 A I thought it was strange but then I thought they might
19 have just decided to go home or had gotten into a fight or
20 (C) wanted him home.

21 Q Now, you're looking out through the storm door and you
22 see a Lexus with its lights on, right?

23 A Correct.

1 Q From that area, that secondary area up by the flagpole
2 and the fire hydrant that's the same area where you found
3 John O'Keefe the next morning, correct?

4 A Correct.

5 Q And with reference to that area are there any lights
6 as far as streetlights or anything that you're aware of
7 in that area?

8 A No, it's a dark area in the corner of the lot.

9 Q Now at any point in time were you looking or were you
10 expecting to see John's body on the lawn?

11 A Absolutely not.

12 Q Fair to say that when you're looking in the dark in the
13 snow from the storm door out towards the vehicle not the
14 same conditions as if you're sitting in a courtroom today
15 about ten feet away from somebody with lights on, correct?

16 A Correct.

17 Q In fact, when you go back to Fairview the next morning,
18 and again, who was the person who requested or directed to
19 go to Fairview?

20 A Karen.

21 Q And so when you go to Fairview along with Ms. Roberts
22 at the defendant's direction sometime around 6:00 a.m. when
23 was it that you first saw Mr. O'Keefe?

24 A I wasn't the first one to first see him, Karen was.

1 Q So she's banging on the door asking to be let out. She
2 goes directly over to the body, correct?

3 A Correct.

4 Q Neither you nor Ms. Roberts, you didn't see Mr. O'Keefe
5 on the lawn until after she did that, correct?

6 A Correct.

7 Q And that was after you had already sort of a little
8 driven a little bit past where he was, correct?

9 A Correct.

10 Q Now with reference to, you get home from Fairview
11 around 2:00 a.m. or somewhere in that timeframe, you go up
12 to bed and you do some searches on your phone, correct?

13 A Correct.

14 Q So there's a Safari tab or an application on your
15 phone, that's where you accessed Google?

16 A Yes.

17 Q Is that typically where you would access Google?

18 A Yes.

19 Q And you were looking at Ozone Basketball. You were
20 also looking at Hockomock, is that correct?

21 MR. JACKSON: Objection.

22 THE COURT: Sustained.

23 Q (By Mr. Lally) What if anything else were you looking
24 at beyond the Ozone Basketball you were talking about?

1 A We had had an exciting game earlier in the night
2 against a local town that has a very good basketball
3 program so I went on Hockomock Sports to look at the recap
4 and typically I'll do that to see how other teams did, et
5 cetera.

6 Q And around that same time, is that correct?

7 A Correct.

8 Q Now, within when you did that as far as looking things
9 up on Google were you opening up new tabs within Safari as
10 you were looking at different websites and different
11 topics?

12 A No.

13 Q And when you went to bed or you went to sleep that
14 evening at some point you turned off your phone, right?

15 A Correct.

16 Q Did you X out that box, that Safari tab that you were
17 doing those searches with regard to Ozone or Hockomock?

18 A No, I used to always leave my tabs open and my kids
19 would yell at me.

20 Q As far as having multiple tabs open, is that correct?

21 A Drains my battery, et cetera, yes.

22 Q So then fast-forward to sometime after 6:00 a.m.,
23 you're on the side of the road and the defendant asks you
24 to conduct or look up something with regard to hypothermia
25 or how long to die in the cold, correct?

1 A Correct.

2 Q When you opened that up and you go into Google did you
3 go into a new tab or did you sort of go into what you had
4 already open in a prior tab?

5 A I went to what I already had opened.

6 Q And that's where you preformed the search, is that
7 right?

8 A Excuse me?

9 Q That's where you performed the search that you were
10 just being asked about?

11 A Yes.

12 Q And you never made any search like that at 2:27 in the
13 morning, correct?

14 A I did not, no.

15 Q Now, again, you've been shown what's been called a
16 Cellebrite extraction report, correct?

17 A Yes.

18 Q Are you familiar with how many Cellebrite extraction
19 reports were conducted to your phone?

20 A I think a couple. I'm actually not sure.

21 Q Prior to January 29, 2022, had you ever seen a
22 Cellebrite extraction report?

23 A No.

24 Q As you sit here today do even really know what that is?

25 A Not really, no.

1 Q Do you know what a WAL file is?

2 A No.

3 Q Do you know what an SQulite data base is?

4 A No.

5 Q Do you know what a Knowledge Profile C Database is?

6 A No.

7 Q Do you know how information is stored and kept within
8 your cellphone?

9 A No.

10 Q Now, as far as, well, let me ask you this. You have
11 four children and you were a mom, a homemaker, correct?

12 A Correct.

13 Q At some point you did work, though, right?

14 A Yes.

15 Q What did you do for work?

16 A I was an elementary school teacher.

17 Q What grade did you teach?

18 A Fifth.

19 MR. JACKSON: Objection.

20 THE COURT: One question and we'll see where
21 this goes.

22 Q (By Mr. Lally) What grade did you teach?

23 A Fifth.

24 Q And how long did you teach fifth grade?

25 MR. JACKSON: Objection.

1 THE COURT: I'm going to see counsel at
2 sidebar. Folks, feel free to stand up.

3 (Sidebar commences:

4 THE COURT: So why don't you tell me your objection.

5 MR. JACKSON: Relevance.

6 THE COURT: Where are you going with this?

7 MR. LALLY: It's going to the fact that she has no
8 familiarity whatsoever with Cellebrite, phone extractions,
9 or anything of that like. She's had no prior experience
10 with it personally, professionally, or anything else.

11 THE COURT: I'm not sure that's the way to do it.

12 MR. JACKSON: I don't think it is, either. He's trying
13 to humanize her and make her this little school teacher.
14 It's completely irrelevant.

15 THE COURT: So you can do that other ways, but not that
16 she was an elementary school teacher.

17 MR. LALLY: Okay.

18 end of sidebar.)

19 Q (By Mr. Lally) If I could take you back to around 4:53
20 in the morning is when you get that first call from (C)

21 is that correct?

22 A Correct.

23 Q You answer that call and the defendant is then put on
24 the line, correct?

25 A Yes.

1 Q So what is the first sort of iteration of the story
2 that the defendant tells you happened the night before?

3 A That they got into a fight, she left him at the
4 Waterfall and he never came home.

5 Q At some point later you confront her with that you saw
6 the vehicle out in front of the house, correct?

7 A Correct.

8 Q What does the defendant's story change to at that
9 point?

10 A That they went there. It changed multiple times. I'm
11 not sure exactly. She said at one point, Oh my God, I
12 don't even remember going there. She was telling other
13 people that he was dead that a plow hit him. The story
14 changed multiple times that morning.

15 Q On cross-examination you were played a voice mail. Do
16 you know whose phone that voice mail was from?

17 A They never said, no.

18 Q Fair to say that you're on 911 in the background of
19 that phone call, correct?

20 A Correct.

21 Q So it wasn't your phone?

22 A Correct.

23 Q There's two other people beyond that as far as Ms.
24 Roberts and the defendant there, correct?

25 A Correct.

1 Q Was Kerry on the phone at all that you saw?

2 A No.

3 Q Okay, and so with reference to the timing of that phone
4 you had called 911 and you were on the phone with 911 at
5 the time that that recording starts, right?

6 A Correct.

7 Q So you had gotten out of the car, you had gone around
8 and then seen where the defendant had run over to Mr.
9 O'Keefe, correct?

10 MR. JACKSON: Objection.

11 THE COURT: As to the form it's sustained.

12 Q (By Mr. Lally) What had you done before you placed
13 that 911 call?

14 A I got out of the car, I ran behind the car, over to the
15 body, I was in a state of shock for a couple of seconds.
16 Kerry and I looked at each other and I said, I'm going to
17 call 911.

18 Q And there was a period of time when you made the call
19 before it connected and you said you got bounced around to
20 different agencies, correct?

21 A Yes.

22 Q This is after the defendant has hit the door and run
23 over from the vehicle over to Mr. O'Keefe's body, right?

24 A Yes.

1 Q So, it's not your phone and it's not Ms. Roberts'
2 phone, the fair inference is that it's the defendant's
3 phone, correct?

4 A Correct.

5 Q So this phone call had been made before it started
6 recording at some point before you had even gotten out of
7 the car and made your way over to Mr. O'Keefe then in the
8 state of shock for a few seconds, called 911, connected to
9 911, so at some point it had to have been made in the car,
10 correct?

11 MR. JACKSON: Objection.

12 THE COURT: Ask it differently.

13 Q (By Mr. Lally) Do you know when that voice mail or
14 that recording that you heard, do you know when that call
15 was placed?

16 A I don't.

17 Q At the time that you are making the 911 call where is
18 the defendant in relation to the vehicle?

19 A She is over with Mr. O'Keefe.

20 Q You mentioned the part beyond the 911 call where you
21 heard yourself talking you're at the rear of Ms. Roberts'
22 vehicle?

23 A Yes.

24 Q Why are you at the rear of Ms. Roberts' vehicle?

1 A In the beginning I'm at the rear gathering towels or
2 blankets and then a few times I go to the rear because I'm
3 trying to speak with the 911 and Karen is screaming
4 hysterically and then Kerry starts screaming at her to calm
5 down. It was quite chaotic so I was moving away so that I
6 could be clear with the operators.

7 Q Now, at some point you went into your sister's house at
8 34 Fairview, right?

9 A Yes.

10 Q Why did you go in?

11 A Officer Lank asked me to go in and wake them up.

12 Q So you were asked to go in there by the police to wake
13 them up?

14 MR. JACKSON: Objection.

15 THE COURT: Sustained.

16 Q (By Mr. Lally) At some point you indicated that you
17 had called Officer Lank to come back to the house, right?

18 A Yes.

19 Q How did you get his number again?

20 A Julie Albert.

21 Q As far as were you aware whether or not Brian Albert,
22 Nicole Albert or any of the other people that were present
23 had Officer Lank's number?

24 MR. JACKSON: Objection.

25 THE COURT: Sustained.

1 Q (By Mr. Lally) Why did you ask Julie Albert and not
2 Brian Albert or Nicole Albert?

3 A Because I knew she was the only one that had his
4 number.

5 Q You were asked some questions about when you were on
6 scene and you indicated in your testimony on direct that
7 you heard the defendant say, "I hit him, I hit him, I hit
8 him" correct?

9 A Yes.

10 Q You also earlier in your testimony had indicated that
11 earlier in the morning the defendant had phrased that
12 differently as far as, Could I have hit him, or Did I,
13 correct?

14 MR. JACKSON: Objection.

15 THE COURT: Sustained as to the form.

16 Q (By Mr. Lally) You heard the defendant make a variety
17 of statements over the course of the morning, correct?

18 A Yes.

19 Q And more to my point as far as, you recall testifying
20 at another hearing under oath in June of 2023, correct?

21 A Yes.

22 Q Do you recall being asked some questions initially
23 about this topic?

24 MR. JACKSON: Objection.

25 THE COURT: Allowed.

1 MR. JACKSON: Sidebar?

2 THE COURT: Okay.

3 (Sidebar commences:

4 THE COURT: What's the objection, Mr. Jackson?

5 MR. JACKSON: It's hearsay. I expect that Mr. Lally
6 will say it's prior inconsistent statement, but it's not
7 because it post-dates the original statements. It's not
8 prior to the statement that she was impeached significantly
9 on, so he does not have a right to get in a consistent
10 statement in June of 2023, when all her inconsistent
11 statements were in January, February, and April of 2022.

12 THE COURT: All right. You mentioned yesterday about
13 her testifying yesterday.

14 MR. JACKSON: I don't think I mentioned the -- I don't
15 -- I could be wrong because it was lengthy, but I don't --

16 THE COURT: Mr. Lally, what do you say? I'll look for
17 it, Mr. Jackson, if I recall --

18 MR. JACKSON: It could be my failing memory and age. I
19 don't remember bringing up the June hearing back then on
20 the issue of (indiscernible).

21 MR. LALLY: On that specific issue? No. But when it
22 comes to the prior inconsistent statements, counsel wanted
23 to introduce prior inconsistent statements, I'm then
24 allowed to rehabilitate the prior inconsistent statements,
25 especially sworn ones under oath.

1 MR. JACKSON: A prior inconsistent statement has to
2 predate the inconsistent statements.

3 THE COURT: So what I was looking for yesterday you
4 mentioned it, now she's bringing it up today so prior
5 consistent would be prior to yesterday. I'm just trying to
6 find that testimony. If the Commonwealth doesn't have it,
7 I'm not going to -- it's only prior consistent as to
8 yesterday and you were challenging her on --

9 MR. JACKSON: Correct.

10 THE COURT: -- yesterday.

11 MR. JACKSON: What she said on Friday, exactly. So
12 impeached her with what she previously said to that.

13 THE COURT: No, I understand. But I thought there was
14 some recent fabrication on Friday which would give prior to
15 Friday as a prior consistent statement.

16 MR. JACKSON: I believe that the prior consistent
17 statement has to predate the inconsistent statements. In
18 other words, we start with the foundation of the statement.

19 THE COURT: And ordinarily it would except for
20 yesterday you made it sound like (indiscernible).

21 MR. JACKSON: I didn't. I didn't. I just said I was
22 very careful not to say you've never brought it up before.
23 I just said, on Friday, you said X, but previous to this,
24 you said Y.

1 MR. LALLY: And that's what I believed happened as far
2 as there was a specific question about you've never said
3 anywhere under oath or anywhere before those statements
4 that you said on the stand the other day.

5 MR. JACKSON: That's absolutely not true. I wouldn't
6 do that. That would be malpractice if I did that. I would
7 never say that because I know that she did say that.

8 THE COURT: Unethical is different than malpractice.

9 MR. JACKSON: I wouldn't do that.

10 THE COURT: One is much greater than the other.

11 MR. JACKSON: Understood. No, I did not and would not
12 do that. I would not make a false -- knowingly false
13 statement that she didn't (indiscernible). I was careful
14 to move around that.

15 THE COURT: What's the statement you intend to put in,
16 Mr. Lally?

17 MR. LALLY: Her statement that's entirely consistent
18 with
19 what her testimony was.

20 THE COURT: What is the specific statement?

21 MR. LALLY: The specific statement is -- so there's two
22 different portions within the federal grand jury testimony.
23 It's on page 816 that --

24 THE COURT: It's on what page?

25 MR. LALLY: Eight sixteen is the first one.

1 end of sidebar.)

2 THE COURT: Jurors, feel free to stand up and stretch.
3 We're trying not to send you out of the courtroom, so
4 please just give us a minute.

5 (Sidebar commences:

6 THE COURT: All right. Where is that?

7 MR. LALLY: Right at the bottom of the page.

8 THE COURT: Mr. Jackson, I'm going to let this in
9 subject to I will strike it if it's not, but my memory was
10 that the way it was built up about Friday being a recent
11 fabrication.

12 MR. JACKSON: Okay. I understand.

13 THE COURT: We'll have time, and we can go through and
14 we'll -- I mean, I'll strike it.

15 MR. JACKSON: Understood.

16 THE COURT: However you want me to strike it.

17 MR. JACKSON: Understood. Thank you.

18 end of sidebar.)

19 MR. LALLY: May I proceed, your Honor?

20 THE COURT: Yes, go ahead.

21 Q (By Mr. Lally) Ms. McCabe, as I was asking before in
22 June of 2023 you testified in another proceeding, correct?

23 A Correct.

1 Q And you were asked questions specifically about those
2 statements that you heard the defendant say on the morning
3 on January 30th, correct?

4 A Correct.

5 Q Do you recall specifically what your testimony was in
6 regard to that portion of, in regard to those questions?

7 A I don't recall specifics. I know what I know. I know
8 it happened.

9 MR. LALLY: May I approach, your Honor?

10 THE COURT: Yes.

11 Q (By Mr. Lally) Now I'm giving you two pages. I direct
12 your attention to the bottom of the first page and then
13 into the next page. If you could review that to yourself
14 and look up when you're done.

15 THE COURT: What page again, Mr. Lally?

16 MR. LALLY: Your Honor, 816 and 817.

17 THE COURT: Thank you.

18 MR. LALLY: May I approach, your Honor?

19 THE COURT: Yes.

20 Q (By Mr. Lally) Ms. McCabe, is your memory refreshed as
21 to what you said in that prior proceeding in regard to
22 those statements?

23 A Yes.

24 Q What did you say?

25 A What did I say in that?

1 Q Yes.

2 A I told them that Karen looked straight at me and said,
3 I hit him, I hit him, I hit him and I said that there was I
4 believe an EMT who overheard it, as well.

5 Q Now, do you recall in that same prior proceeding being
6 asked some questions at different times the defendant
7 saying different iterations of that same statement?

8 MR. JACKSON: Objection.

9 THE COURT: Sustained as to form. No leading,
10 Mr. Lally.

11 Q (By Mr. Lally) With respect to that prior, testimony
12 in that prior proceeding, what if anything else were you
13 asked about statements the defendant made to you that
14 morning?

15 A I was asked what were some of the statements that Ms.
16 Read had made and it was like repeat. Did I hit him.
17 Could I have hit him. Is he dead. Is he dead. Is he
18 dead. Could I have hit him. Did I hit him. I have a
19 cracked taillight and then her, I hit him, I hit him, I hit
20 him.

21 Q And so with respect to questions as far as Did I hit
22 him or Could I have hit him and the statement, I hit him,
23 those were at different times, correct?

24 A Correct.

1 Q Now you met with Trooper Proctor on January 29th, is
2 that correct?

3 A Correct.

4 Q Was that the first time that you had met him?

5 A Correct.

6 Q Who, if anyone, was with him when you met him?

7 A I believe it was Trooper Yuri.

8 Q Subsequent to that date did you meet with other
9 troopers in the case?

10 A Yes.

11 Q By other troopers I mean, not Trooper Proctor and not
12 Trooper Yuriy?

13 A Yes.

14 Q And with respect to meeting with other troopers was it
15 at that point that they had talked to you about taking your
16 phone?

17 A Correct.

18 Q They asked you for your phone, is that correct?

19 A I had shared my Life 360 and my texts and they asked if
20 they could take a copy of my phone.

21 Q And did you agree to that?

22 A I agreed to it, yes.

23 Q And were you presented a form at all in regard to you
24 agreeing to hand over your phone?

25 A Yes.

1 Q And beyond what you had testified to earlier as far as
2 forensics were there any limitations as far as what they
3 could look at or take from your phone?

4 A No limitations.

5 MR. LALLY: May I approach, your Honor?

6 THE COURT: Yes.

7 Q (By Mr. Lally) Ma'am, I'm showing you a document
8 again. I just ask you to look at it and look up when
9 you're done. Just in general, ma'am, do you recognize
10 that?

11 A Yes.

12 Q What do you recognize that to be?

13 A This was the consent form for my phone.

14 Q Is that the form you filled out with the troopers with
15 regard to giving over your phone?

16 A Correct.

17 MR. LALLY: May I approach again, your Honor?

18 THE COURT: Yes.

19 MR. LALLY: The Commonwealth would seek to
20 introduce this as the next exhibit.

21 THE COURT: Is there any objection, Mr.
22 Jackson?

23 MR. JACKSON: No objection.

24 THE COURT: Okay, thank you.

25 (Consent Form, Marked, Exhibit No. 100.)

1 Q (By Mr. Lally) Now again, Ms. McCabe, initially
2 following the events of initially that morning around 6:00
3 a.m. or so at some point you were seeking or you had
4 actually asked the defendant for Kerry Roberts' phone
5 number, correct?

6 A Yes.

7 Q And why was it that you were looking for Kerry's
8 number, specifically?

9 A Driving conditions were terrible. She was driving to
10 Braintree to pick up Mr. and Mrs. O'Keefe and then they
11 were heading to the hospital and I was just looking to see
12 how John was doing.

13 Q Now you had mentioned, at some point, did you speak
14 with Ms. Roberts that morning with regard to updates as far
15 as how John was doing?

16 A Yes.

17 Q You mentioned that later on either that day or the next
18 day that you had gone over to Mr. O'Keefe's house with Ms.
19 Roberts, correct?

20 A Yes.

21 Q Who was driving at the time that you went over to the
22 O'Keefe's house with Ms. Roberts?

23 A Kerry was driving.

24 Q So when you left the O'Keefe's house where was it that
25 you went?

1 A Kerry went to drop her daughter off at her friend's
2 house, the daughter of Mike Lank.

3 Q And you were just in the front passenger's seat of that
4 vehicle, correct?

5 A Yes.

6 Q You had mentioned as far as getting together with Ms.
7 Roberts at the request of someone to talk about a timeline,
8 correct?

9 A Yes.

10 Q Can you explain to the jury sort of how that came about
11 or who was making that request?

12 A Kerry called me and she told me that she had talked to
13 Peggy and Peggy had --

14 MR. JACKSON: Objection.

15 THE COURT: No, I'm going to allow it.

16 THE WITNESS: And Peggy had suggested to
17 Kerry, you know, you guys should write a timeline. You
18 know, you don't want to forget anything, you know, when the
19 time comes, meaning when the trial comes you don't want to
20 forget anything that happened.

21 Q (By Mr. Lally) Just to be clear, when you say Peggy,
22 who are you referring to?

23 A Mrs. O'Keefe.

24 Q John's mother?

25 A John's mother, correct.

1 Q You were asked some questions about a subsequent date
2 as far as hearing bits and pieces or portions of Ms.
3 Roberts' statement to troopers at your home correct?

4 A Correct.

5 Q Do you know whether or not that was the first time Ms.
6 Roberts had talked to troopers or officers or anyone from
7 the Canton Police or the state police?

8 A I believe on the 29th in the afternoon troopers went to
9 her house so that would have been the first time.

10 Q So the time that she was at your home and speaking to
11 troopers that would have been the at least the second time
12 she had talked to troopers, correct?

13 MR. JACKSON: Objection.

14 THE COURT: Sustained.

15 Q (By Mr. Lally) Now with reference to Ms. Roberts and
16 her phone, was Ms. Roberts at the time that you handed your
17 phone over to the troopers was Ms. Roberts present there,
18 as well?

19 A Yes.

20 Q What, if anything, did you see Ms. Roberts do with
21 respect to her phone and the troopers?

22 A She turned her phone over, as well, and signed the
23 consent.

1 Q Now during that time you had indicated that you had
2 heard a statement that you said horrified you in some way,
3 is that correct?

4 A From Ms. Roberts?

5 Q Yes.

6 A Correct.

7 Q And what was that, what was she talking about?

8 MR. JACKSON: Objection.

9 THE COURT: The door has been opened, Mr.
10 Jackson. That means you can answer.

11 THE WITNESS: Okay.

12 A So basically Kerry is a talker and once she started --

13 MR. JACKSON: Objection.

14 THE COURT: I think, just focus on what she
15 said.

16 THE WITNESS: Okay.

17 A She said something like John really loved Amy, and in
18 my eyes Karen was just a baby-sitter with benefits.

19 Q And is that what made it memorable to you as far as
20 what transpired at that time?

21 A Yes.

22 Q At any point in time did you ever coordinate your
23 statement or Ms. Roberts' statements with her prior to
24 testifying at any hearing or any proceeding at any point in
25 time?

1 A No.

2 Q Let me ask you, when you came to the area of 34
3 Fairview Road around 6:00 a.m. and you saw Mr. O'Keefe, was
4 he in the same clothes that you had seen him in earlier?

5 A He had jeans and I believe the same shirt on, yes.

6 Q And nothing additional as far as a jacket or anything
7 like that that you saw?

8 A Not that I recall.

9 Q Now, again, as you were driving down Fairview Road if
10 the defendant did not bang on the door and essentially jump
11 out of the car and make a B-line over to Mr. O'Keefe would
12 you have stopped the car?

13 A No.

14 Q Do you recall when you were leaving 34 Fairview Road
15 earlier as far as sometime between 1:30-1:45 when Mr.
16 McCabe is driving, do you recall whether or not the roads
17 were plowed or treated or anything that you saw at that
18 time?

19 A I know there was snow on them but I can't recall
20 specifics.

21 Q Now as far as the defendant coming over to your house
22 shortly after 5:00 a.m. was that something that you were
23 expecting at the time?

24 A No.

1 Q And what was it prior to the defendant showing up and
2 sort of screaming in front of your house, what was your
3 sort of plan as far as based on the information that Ms.
4 Read had told you?

5 A My husband and I were going to go out and we were going
6 to drive over to Tom Beatty's house to see if John was
7 there.

8 Q Now, as far as the 911 call that you were making that
9 information that you were providing, what was that based
10 on?

11 A What I was seeing.

12 Q But as far as how Mr. O'Keefe had come to be there at
13 34 Fairview Road, when you're communicating any of that to
14 the 911 operator or to the officer on scene was that from
15 your observations when you were inside 34 Fairview after
16 the Waterfall or from some other source?

17 A Well, it was from what Karen was saying as we were
18 driving there.

19 Q So as far as him being dropped off or anything like
20 that, that came from the defendant, correct?

21 A Correct.

22 Q Now as far as you had been asked and you had testified
23 about going over to Trooper Proctor's house to meet with
24 his wife, correct?

25 A Correct.

1 Q And you testified about certain incidents of harassment
2 that you had undergone as well as Mrs. Proctor, is that
3 correct?

4 A Correct.

5 Q How long had that been going on for at that point?

6 A At that point it started in April and now I believe I
7 went over there in September.

8 Q What if anything was the frequency of the harassment,
9 was it sporadic or how often were you --

10 A Daily, sometimes hourly.

11 Q In addition to what you've already testified --

12 A Uh-huh.

13 Q -- what if any other incidents do you recall
14 specifically involving either you or your children or your
15 home?

16 A People come by my house. They take video. They
17 scream. They've gone to my child's sporting events and
18 called me names.

19 They've written letters to my daughters'
20 colleges and said that they shouldn't allow them to play
21 and then they've attached these horrific articles that have
22 been complete lies about all of us.

23 They send me Facebook messages. They call my
24 phone, home phone and cell phone all hours of the night.

1 They tell me to kill myself. They tell me I'm a terrible
2 mother.

3 They harass my children. My daughter testified
4 here the other day. We didn't even get out of the building
5 and people were, you know, saying horrendous things that
6 she's a liar, you know, your mother should die. It's just,
7 it's unimaginable what my entire family is going through.

8 I go to the beach, they take pictures. They
9 post it. They threaten that there are eyes everywhere,
10 I'll never be able to live a normal life again.

11 I am a witness. That's all I am. I am not on
12 trial. I am a witness and these people are terrorizing me.

13 MR. JACKSON: Objection.

14 THE COURT: Sustained as to that part. I'll
15 strike that part. Everything else will stay, okay?

16 THE WITNESS: Okay.

17 Q (By Mr. Lally) So your understanding that Mrs. Proctor
18 has sustained similar issues as you have?

19 A Correct.

20 Q Now again, Trooper Michael Proctor, you never met him
21 prior to January 29th, 2020, correct?

22 A I had never met him prior, no.

23 Q And the time that you went over to meet with Elizabeth
24 Proctor was Trooper Michael Proctor home at that time?

25 A No, he was not home.

1 Q And had you ever been over to his house prior to that
2 or any time subsequent to that?

3 A No, never.

4 Q Now you did have some conversations with Trooper
5 Proctor following this day and around the, let me ask you
6 this. You had testified a bit about a rolling rally, is
7 that correct?

8 A Correct.

9 Q Can you describe for the jury sort of what that was or
10 what occurred on that date?

11 A So that day in July a group got together under one
12 blogger and they all met and they decided to go to
13 different houses so Michael Proctor had been made aware of
14 what was happening so he had reached out to tell me you
15 know, what was going to be happening and how they had set
16 up some cameras.

17 It was a Saturday. I had just come home from
18 vacation with my children and my husband.

19 Mrs. O'Keefe picked up my two younger children
20 and brought them out with her so they wouldn't be home for
21 this and my two older children and my husband were in the
22 house while about, you know, 50 to 75 people came to my
23 house.

24 They screamed. They yelled. There's a
25 murderer. They just caused an absolute ruckus outside.

1 Q And prior to that did you have any conversations with
2 Proctor or any other troopers from the state police about
3 knowledge of that occurring prior to its occurrence?

4 A Yes.

5 Q And as far as setting up pole cameras around your house
6 to memorialize whatever was going to happen?

7 A Yes.

8 Q Now you were asked some questions with regard to the
9 Google search, again that was initiated after 6:00 a.m.,
10 why again?

11 A Because Ms. Read asked me to Google, how long to die
12 from hypothermia. She said, "Google hypothermia, Google
13 how long it takes to die in the cold. She was shaking me,
14 screaming at me to do it.

15 Q And she's shaking you as you're typing, is that
16 correct?

17 A Correct.

18 Q There were some misspellings in it, correct?

19 A Correct, I also have () and I have issues --

20 MR. JACKSON: Objection.

21 THE COURT: I'll allow that.

22 A I have () and I have, you know, issues with my hands so
23 I, a lot of times I Google and make errors but the cold
24 also makes my hand go completely numb so I'm not surprised
25 that that's how it would come out.

1 Q When you were in your bedroom sometime after 2:00 a.m.
2 fair to say the defendant wasn't there shaking you when you
3 were Google searching for Ozone Basketball or Hockomock?

4 MR. JACKSON: Objection.

5 THE COURT: Sustained.

6 MR. LALLY: One moment, your Honor?

7 THE COURT: Yes.

8 MR. LALLY: Nothing further, your Honor.

9 THE COURT: Okay, Mr. Jackson.

10 MR. JACKSON: Very briefly, your Honor.

11

12 RECROSS-EXAMINATION

13 BY MR. JACKSON:

14

15 Q Concerning the statement I hit him, you gave a
16 statement on January 29th to Sergeant Lank. He called you
17 over to specifically give him a statement, correct?

18 A Correct.

19 Q You gave a statement the next day, sorry, later that
20 day to Trooper Proctor, correct?

21 A Correct.

22 Q You also met that following Tuesday with a trooper
23 named Prince, correct?

24 A Correct.

1 Q And then you testified in April of 2022 no fewer than
2 twelve times about statements that you attributed to Ms.
3 Read, correct?

4 A Correct.

5 Q And in not one of those instances, not one, is there a
6 report that says you said she said, I hit him, correct?

7 A Correct, although I told Mike Lank.

8 Q We already know that the officers all got it wrong.

9 MR. LALLY: Objection, your Honor.

10 THE COURT: Sustained as to that. Next
11 question, please, Mr. Jackson.

12 Q (By Mr. Jackson) So you indicate the harassment that
13 you just described this terrible harassment that you just
14 described, it started in about April 2023, correct?

15 A Correct.

16 Q That was around the time there were public hearings
17 regarding this Google search, is that right?

18 MR. LALLY: Objection.

19 THE COURT: I'll allow that.

20 Q (By Mr. Jackson) Is that right?

21 A I'm not sure exactly when the Google search came out.

22 Q But you do know that you started suffering this
23 harassment that you've claimed is awful and terrible, et
24 cetera around April of 2023, correct?

25 A I didn't claim it's awful, it is awful.

1 Q I'm sure it is awful, Ms. McCabe, I'm sure it's
2 terrible.

3 A It is.

4 Q I'm sure it sucks to be harassed?

5 A It really does.

6 Q Yeah, I'm sure it does.

7 MR. LALLY: Objection, your Honor.

8 THE COURT: All right, so that's sustained and
9 I'll strike it. Go ahead and ask a question, Mr. Jackson.

10 Q (By Mr. Jackson) You were upset by April of 2023 that
11 there was public outrage about your family being involved
12 in the death of John O'Keefe, that's what you were upset
13 about, correct?

14 A I was upset that we as witnesses were being harassed.

15 Q You were upset about public outrage concerning this
16 case, correct?

17 MR. LALLY: Objection.

18 THE COURT: Sustained. That was answered.
19 Next question.

20 Q (By Mr. Jackson) And two months later, two months
21 later in June of 2023 for the first time you testified at
22 another proceeding and 'lo and behold you attributed the
23 words, "I hit him" to my client, right?

24 MR. LALLY: Objection.

1 THE COURT: So ask that without the
2 objectionable phrase.

3 Q (By Mr. Jackson) Two months later at another
4 proceeding in June of 2023, you attributed the statement,
5 "I hit him" to my client for the first time under oath,
6 right?

7 A Under oath, correct.

8 Q You indicated when you turned your phone in the police
9 were perfectly okay with you deleting communications with
10 your children, correct?

11 A Correct.

12 Q Including Ally, who is a material witness in this
13 trial, correct?

14 MR. LALLY: Objection.

15 THE COURT: So part of that is objectionable
16 and I'll sustain that, so.

17 Q (By Mr. Jackson) You're aware that your daughter,
18 Ally, was a witness in this case?

19 A At the time I was not aware of that, no.

20 Q No, but you did know that ultimately she was going to
21 indicate that she drove Colin home, you knew that at the
22 time?

23 MR. LALLY: Objection.

24 THE COURT: That's sustained.

1 Q (By Mr. Jackson) Did you know at the time that she had
2 driven Colin home or she said she drove him home?

3 A I had no idea she drove him home.

4 Q But you deleted all those communications with Ally,
5 didn't you?

6 MR. LALLY: Objection.

7 THE COURT: Sustained.

8 Q (By Mr. Jackson) Did you delete all the communications
9 that you had off your phone with Ally, your daughter?

10 MR. LALLY: Objection.

11 THE COURT: This has already been answered but
12 go ahead. Let's finish this loop. Did you delete them?

13 THE WITNESS: I deleted the conversations with
14 my four daughters. At that time Ally was not a witness.

15 Q (By Mr. Jackson) All I asked you, you heard my
16 question, did you or did you not delete communications to
17 Ally McCabe?

18 MR. LALLY: Objection.

19 THE COURT: It's been answered.

20 Q (By Mr. Jackson) You said that there was this
21 statement that horrified you, your words, horrified you,
22 that Kerry Roberts made during her interview when you were
23 eavesdropping, right?

24 A I'm not sure if she made it during that interview. I'd
25 have to look back to see when I said she told them

1 everything in bold because I know she had said it to me
2 multiple times. So I'm not sure if it's when she, if she
3 said it in the interview or just in general when she said,
4 "I told them everything. I told them" et cetera.

5 Q So when you said in that group chat, "She's telling
6 them everything" that might not even be what you're talking
7 about?

8 A No, it was.

9 Q And you said that horrified you, correct?

10 A I didn't know Kerry Roberts, so yes, her statement
11 horrified me.

12 Q It horrified you?

13 A Yes, that was horrifying.

14 Q And in that group chat your response to that horrifying
15 statement was three words: "I love it."

16 A Was there a response prior to that?

17 Q You tell me, ma'am. I'm not the one under oath, you
18 are.

19 A Well, if you want to show me it again --

20 MR. LALLY: Objection.

21 A -- I'll take a look at it.

22 Q You saw it yesterday.

23 THE COURT: Do you have it handy, Mr. Jackson?

1 MR. JACKSON: I don't your Honor. I'll grab
2 it. This one. Your Honor, it's been marked and entered in
3 the packet this morning that I did. May I approach?

4 THE COURT: Sure.

5 Q (By Mr. Jackson) Take a look at those two pages, if
6 you would.

7 THE COURT: Could you tell me what pages,
8 please?

9 MR. JACKSON: 169, and the second pages, Ms.
10 McCabe if you wouldn't mind?

11 THE COURT: What's the second number, Ms.
12 McCabe?

13 MR. JACKSON: The second number on the bottom
14 right.

15 THE WITNESS: 2-1-7-0.

16 THE COURT: Thank you.

17 Q (By Mr. Jackson) Do you have that in mind?

18 A Yes, I do.

19 MR. JACKSON: May I, your Honor?

20 THE COURT: Yes.

21 MR. JACKSON: Thank you.

22 Q (By Mr. Jackson) In that conversation when you said,
23 She's telling them everything, that came right on the heels
24 of your husband saying, this girl could write a book, this
25 woman could write a book, correct?

1 A Correct, she talks non-stop.

2 Q Right. Then you said two texts down, She's telling
3 them everything?

4 A Correct.

5 Q The text just before that was, "I love it."

6 A That was in response to my husband saying this girl
7 could write a book.

8 Q What's the next thing that you wrote to that group
9 within a second of that?

10 A She was telling them everything.

11 MR. JACKSON: Right. May I approach?

12 THE COURT: Sure.

13 Q (By Mr. Jackson) Nowhere in that text chain did you
14 say something along the lines of, Oh, my goodness, I'm so
15 horrified, did you?

16 A Those were in phone conversations.

17 Q Nowhere in those texts that you just saw did you say
18 the words or write the words, I'm so horrified, did she?

19 A No, because it was already spoken about.

20 Q You were asked on that morning, January 29, 2022, as
21 you drove to the location and ultimately to 34 Fairview
22 what ultimately happened and your testimony was as you
23 approached my client was searching frantically for John
24 O'Keefe, correct?

1 A I don't believe I said she said she was searching
2 frantically for John O'Keefe.

3 Q She wasn't searching frantically?

4 A She was screaming frantically in the back seat.

5 Q Screaming frantically?

6 A And texting in the back seat.

7 Q Was she just sitting there curled up in the back seat
8 sucking her thumb or was she searching out the window?

9 A No, she was screaming --

10 Q Right.

11 A -- between Kerry and I so I'm not really sure how she
12 saw John over here when he head is up here screaming and
13 then looking down and texting.

14 Q Was the whole point of that trip, Ms. McCabe, to search
15 for John?

16 A It was, because she knew where he was.

17 Q The whole point of that trip was to look for him,
18 correct?

19 A She directed us to go to 34 Fairview.

20 Q Yes or no, the whole point of the trip was to look for
21 John, correct?

22 A At 34 Fairview where Karen said to go.

23 Q And your testimony is if it hadn't been for Karen
24 jumping out of that truck you wouldn't have even stopped,
25 correct?

1 A Because I wouldn't have seen him.

2 Q Yes or no?

3 A I didn't know he was there, she did.

4 Q Yes or no, Ms. McCabe, yes or no, was that your
5 statement, if she hadn't gotten out of the car you wouldn't
6 have stopped?

7 A I don't believe it was stated like that. I believe
8 there was a question and I answered.

9 Q And the question was, would you have stopped, and your
10 answer was what?

11 A What was the direct question?

12 Q Oh, my goodness, Ms. McCabe, it was five minutes ago.

13 A Did he ask, did he see something --

14 MR. LALLY: Objection, your Honor.

15 A -- you like to change words, I just want to be certain.

16 THE COURT: So, Mr. Jackson, just keep it to
17 questions, not comments.

18 Q (By Mr. Jackson) You were asked just a second ago by
19 Mr. Lally, if Karen Read hadn't jumped out of the car you
20 wouldn't have stopped, correct?

21 A Correct.

22 MR. JACKSON: Thank you. That's all I have.

23 THE COURT: Okay. All right, Ms. McCabe, we
24 are finished. Jurors, I'm going to ask you to follow them
25 out --

1 THE WITNESS: Okay.

2 THE COURT: -- like you've done. We'll take a
3 recess. This one might feel a little longer.

4 THE COURT OFFICER: Jurors, folding and
5 leaving your notebooks on the chairs, all rise. Follow me.
6 Jury out.

7 (Jury out.)

8 THE COURT: In an effort to save a little time, why
9 don't I see you at sidebar.

10 (Sidebar commences:

11 THE COURT: It's just easier to start from here. It
12 saves us a little bit. So what am I doing? What are you
13 requesting?

14 MR. YANNETTI: So three --

15 THE COURT: Who's your next witness?

16 MR. LALLY: Ms. Roberts.

17 MR. YANNETTI: Right. It doesn't apply to Kerry
18 Roberts. Three issues. One is we want to renew our
19 objection to providing impeachment material to the
20 prosecution in advance of their witnesses testifying.

21 THE COURT: What was that? I don't know what you're
22 talking about.

23 MR. YANNETTI: So this Court entered a discovery order

1 indicating that we had to identify the documents and other
2 things that we would be using as exhibits to impeach
3 witnesses.

4 As I said, when the Court issued the order, the Court
5 has the discretion to do that, but we're renewing our
6 objection in light of the fact that the material that we
7 provided to the Commonwealth regarding this unrecorded,
8 unreported on meeting at the Lanks how Karen was
9 communicated to Jennifer McCabe so that they could then
10 anticipate and prepare for that cross when they shouldn't
11 be allowed to do that. So that's number one.

12 THE COURT: That was a total surprise to me yesterday.
13 I had no idea that had taken place.

14 MR. YANNETTI: It was a surprise to us.

15 THE COURT: I had no idea that that occurred. So your
16 objection is noted.

17 MR. JACKSON: And just so the Court knows, we had done
18 extensive work on the forensic download, and we found that
19 GPS coordinates, and so we discovered it. She had never
20 told it to Mr. Lally. She had never told it to the police.
21 It was a complete surprise, and it was perfect impeachment
22 and we lost that moment because Mr. Lally took it and
23 presented it to the witness, and she then had an excuse.
24 So I, you know, the testimony got out, but it was a little
25 disconcerting that our hard work and our impeachment, which

1 was pure impeachment, was being presented in meetings that
2 we had no idea about, and then she gave statements that
3 were not then discovered to us, so I was -- I wasn't flat-
4 footed but I was close to it.

5 THE COURT: Okay. That objection is noted.

6 MR. YANNETTI: A related objection is the fact that
7 there was apparently a meeting that took place where she
8 revealed new information where Lieutenant Tully was there
9 along with the DA's office and that was not disclosed to us
10 until she was on the stand yesterday. Our view is that any
11 new statements are inconsistent with her previous statement
12 --

13 THE COURT: Okay. This should be Mr. Jackson's
14 argument. It was your witness.

15 MR. JACKSON: I'll let go what he just said.

16 THE COURT: Okay.

17 MR. JACKSON: Any new statements, especially as it
18 pertains to Ms. McCabe or any witness going forward, if
19 there are interviews, and they may call them prep sessions,
20 if there are interviews or prep sessions that reveal new
21 information or new dialogue between and among witnesses, we
22 should have them. We should have that -- we should have a
23 report of every one of them.

24 THE COURT: That's concerning. What happened, Mr.
25 Lally?

1 MR. LALLY: On that, so what we've been doing
2 consistently throughout, and that's part of the reason I
3 have Lieutenant Tully with me when I meet with any
4 witnesses, is any change or any new information or anything
5 like that has been reduced to writing and provided to
6 counsel as soon as we have it. This, I wasn't aware of.

7 MR. JACKSON: That's what I don't understand. When I
8 confronted the witness, she said Mr. Lally had got it to
9 them. Well, that doesn't absolve him of the responsibility
10 that Sergeant Tully has to reduce it to writing and present
11 it with --

12 MR. LALLY: To be clear, that was a meeting that
13 occurred while we were on trial, so that was -- and I think
14 she was clear on that. Initially, I think she was
15 confused, but I think she clarified as far as there was two
16 separate. There was one meeting where, yes, I was there.
17 This other meeting was she had asked to re-review her grand
18 jury testimony on day that we were on trial and that was I
19 asked Lieutenant Tully to sort of monitor that.

20 THE COURT: All right. And you said that there was new
21 information that resulted from that or that the meeting
22 itself was new?

23 MR. JACKSON: Both. We didn't know about the meeting,
24 and the new information was Lieutenant Tully was provided,
25 and clearly provided information about impeachment, and

1 confronted her with it. He said, "What were you doing at
2 Mike's house on the 30th?" And she said, "I met with his
3 wife," and Lieutenant Tully didn't ask any follow-up, if
4 you recall that dialogue, and that's just unfathomable. I
5 know Lieutenant Tully well enough. I've read a thousand
6 reports. He would have followed up.

7 THE COURT: So he'll be on the stand so you'll get to
8 cross-examine him with plenty of notice.

9 MR. JACKSON: Right.

10 THE COURT: All right. What's your other point?

11 MR. YANNETTI: And then the only other issue is we do
12 expect after Ms. Roberts that the Commonwealth will be
13 calling the Sullivan sisters about the Aruba trip, and our
14 view on that is that that evidence is inadmissible. That
15 is bad character evidence, and so we're requesting a voir
16 dire prior to their testimony to parse out what they can
17 testify to and what they can't.

18 THE COURT: All right. Who's doing that cross?

19 MR. YANNETTI: I am.

20 THE COURT: All right. So you objected to it before. I
21 said that it's coming in. You got the grand jury minutes
22 from them. You can object on a question by question basis,
23 but it comes in as a -- and I will certainly give a prior
24 bad acts instruction, and it goes to the nature of the
25 relationship, potential motive. I made all those findings.

1 THE COURT REPORTER: We're on the record, by the way.

2 THE COURT: All right. So based on my reading of the
3 grand jury minutes, and of course, I will do this. It's
4 awkward to have to make these findings under the footnote
5 eight of Commonwealth vs. Semia that I have to make, so
6 it's better to do them now.

7 Unless something comes in differently, I find, at least
8 by reading the grand jury minutes, that these acts or
9 conversations occurred. I find that it goes to the
10 defendant's state of mind and the nature of the
11 relationship, and therefore, and does go to motive.
12 Pursuant to the footnote in Samia, I find that the jury
13 will follow any instruction that I give them, that they
14 won't use it for bad character and propensity. I've noted
15 every time I've given them a limiting instruction, they've
16 nodded. I've given several on the digital evidence and
17 others on what is evidence. I find that the probative
18 value is not outweighed by the risk of prejudicial effect
19 on the defendant because of the limiting instructions. And
20 as you know, Ms. Yannetti, Massachusetts case law case is
21 clear on domestic violence. It can go to absence of
22 mistake and not propensity, but the case law is pretty
23 clear that it does go to the nature of the relationship.
24 So those are my findings, so the record is clear for you
25 there for appellate purposes.

1 MR. YANNETTI: Understood. The only thing that was
2 left out of there is the -- I expect that the Commonwealth
3 will intend to introduce statements of John O'Keefe as well
4 during that trip. The Court did not mention that.

5 THE COURT: So I mentioned that before. So the
6 statements of O'Keefe as to -- I know Bins is one of the
7 case, but I will give the jurors that they're about to hear
8 evidence of statements made by John O'Keefe. These
9 statements are being admitted only for a limited purpose of
10 establishing John O'Keefe's state of mind. You're not to
11 consider this testimony of proof that the defendant has bad
12 character or propensity to commit crimes. The testimony of
13 the witnesses recounting conversations with Mr. O'Keefe can
14 only be used as they go to the defendant's motive or intent
15 on January 28 and 9, and only if you find the defendant was
16 aware of John O'Keefe's state of mind at the time of the
17 crime and would be likely to respond to it. There need not
18 be direct evidence that the defendant learned of Mr.
19 O'Keefe's state of mind so long as you reasonably can infer
20 from the evidence that she did learn of it.

21 So it's Bins. Ms. McLaughlin, what are those other
22 lines of cases?

23 MS. MCLAUGHLIN: I have to grab my --

24 THE COURT: Yeah, Qualls. There are a bunch of cases on
25 it.

1 MR. YANNETTI: Right. Just maintaining our objection to
2 it. There should be a foundation laid in terms of how my
3 client would've known about those statements if she wasn't
4 present for them, and didn't see them in a text message or
5 the exception.

6 THE COURT: Okay. I'm not sure that lines up directly
7 with the case law, but we'll take it on a question --

8 MR. YANNETTI: Thank you.

9 THE COURT: Who is doing the cross of Ms. Roberts?

10 MR. JACKSON: I am.

11 THE COURT: Okay. So we expect that that will be a
12 lengthy direct and cross today?

13 MS. LITTLE: Not as long as --

14 MR. YANNETTI: Sorry.

15 MS. LITTLE: Probably 30, 45 minutes.

16 THE COURT: All right. So we may not even get to --
17 hopefully we will, but we might not even get to these
18 witnesses. MR. YANNETTI: Understood.

19 THE COURT: All right. Are any other questions? I've
20 given you enough of a response to make a record to save it
21 for appellate purposes.

22 MR. YANNETTI: Appreciate that. Thank you.

23 THE COURT: All right. So we'll take for us 15 or 20
24 minutes.

25 (Court in recess.)

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C E R T I F I C A T I O N

I, CHRISTINE D. BLANKENSHIP, NOTARY PUBLIC, DO HEREBY
CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE
TRANSCRIPT FROM THE RECORD OF THE COURT PROCEEDINGS IN THE
ABOVE-ENTITLED MATTER.

I, CHRISTINE D. BLANKENSHIP, FURTHER CERTIFY THAT I
NEITHER AM COUNSEL FOR, RELATED TO, NOR EMPLOYED BY ANY OF
THE PARTIES TO THE ACTION IN WHICH THIS HEARING WAS TAKEN,
AND FURTHER THAT I AM NOT FINANCIALLY NOR OTHERWISE
INTERESTED IN THE OUTCOME OF THIS ACTION.

Christine D. Blankenship, February 3, 2025

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